IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 229 OF 2007.

Sunder Nagar Navjeevan Coop.
Housing Society Ltd. ... Appellant.
Versus.
A.A.Estates Pvt.Ltd. & others. ... Respondents.

Shri Mihir Desai for the Appellant.

Shri P.K.Dhakephalkar, Senior Counsel i/by Shri Y.M.Chaudhary for the Respondent No.1.

Shri A.R.Patil, A.G.P. for Respondent No.2.

Shri Prabhavalkar with Mrs.Juvekar for Respondents Nos.4 to 9.

CORAM : ABHAY S.OKA, J.

DATED : 30th March, 2007.

P.C.:

1. Heard the learned counsel appearing for the parties. The learned Counsel appearing for the Appellants states that there are formal defects in the suit filed by the Appellants. He, therefore, submits that the Appellantss be granted permission to withdraw the suit with liberty to file a fresh suit in respect of the subject matter of the present suit. The request made by the learned Counsel for the Appellants deserves to be granted.

2. Hence the following order is passed:

(i) S.C.Suit No.842 of 2007 is permitted to be withdrawn with liberty as prayed.

(ii) In view of the withdrawal of the suit, nothing survives in the Appeal and the same is accordingly disposed of.

(iii) On production of an authenticated copy of this order, the learned trial Judge will pass a formal order in the suit in terms of this order.

(iv) The learned Counsel for the Appellants states that the Appellants will give 48 hours advance notice to the concerned Defendants before moving the Court for ad-interim relief.

(v) No order as to costs.

Judge.